

Military Affidavit form instructions

No default judgment can enter against a defendant for failure to appear until an affidavit is presented to the court by the plaintiff setting forth facts showing defendant is not in military service.

No court order shall be made directing that a judgment enter against a defendant who is in the military, until defendant has been appointed an attorney to represent him/her and to protect his/her interest.

Failure to appoint an attorney pursuant to this section renders the judgment voidable.

A (separate) Military Affidavit is to be filed for each person currently in the military service of the United States or any of its allies who has not assented or filed an appearance in any civil action or proceeding.

A (separate) Military Affidavit is to be filed for each person who has not assented or filed an appearance in any civil matter or proceeding and whose military status has not been determined.

If defendant has appointed an attorney to represent him/her in the case, this section will not apply.